

FILED

USAO - EDOK (Rev. 5/09) Criminal Complaint

United States District Court**EASTERN****DISTRICT OF****OKLAHOMA**

AUG 12 2011

WILLIAM B. GUTHRIE
Clerk, U.S. District Court

Deputy Clerk

UNITED STATES OF AMERICA,

)

CRIMINAL COMPLAINT*Plaintiff,*

)

CASE NUMBER:**vs.**

)

DANIEL WELLS HERRIMAN,

)

Defendant.

)

11 - MJ - 065 - KEW

I, ANTHONY M. RODA, JR., the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about August 10, 2011, in the Eastern District of Oklahoma, the defendant, DANIEL WELLS HERRIMAN, violated Title 18, United States Code, Section(s) 844(i), an offense described as follows: ATTEMPTING TO DAMAGE OR DESTROY PROPERTY BY MEANS OF AN EXPLOSIVE, by maliciously attempting to damage and destroy, by means of an explosive, as defined in Title 18, United States Code 844(j), personal property, to-wit: natural gas pipeline, used in an activity that affects interstate commerce.

I further state that I am a(n) Special Agent, Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of ANTHONY M. RODA, JR. which is attached hereto and made a part hereof by reference.)

Continued on the attached sheet.


 ANTHONY M. RODA, JR., Complainant
 Special Agent
 Federal Bureau of Investigation

Sworn to before me and subscribed in my presence at:

MUSKOGEE, OKLAHOMA

Date: Aug. 12, 2011

KIMBERLY E. WEST
 UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer


 Signature of Judicial Officer

STATE OF OKLAHOMA)
) ss:
COUNTY OF MUSKOGEE)

AFFIDAVIT

I, Anthony M. Roda, Jr., Federal Bureau of Investigation (FBI), being duly sworn, state as follows:

1. I am a Special Agent in the FBI, and have been so employed for more than thirteen years. I am currently assigned to an FBI CounterTerrorism Squad as well as the Oklahoma City Division, Tulsa Resident Agency, Joint Terrorism Task Force (JTTF). In addition, I have been a Special Agent Bomb Technician (SABT) since 2003. My duties include the investigation of violations of laws of the United States, collecting evidence in cases in which the United States is or may be a party, and performing other duties as imposed by law. The information contained in this affidavit is based upon personal knowledge, information supplied to me by other law enforcement officers that participated in this investigation, and review of certain documents and records related to this investigation. This Affidavit is submitted for the limited purpose of showing that probable cause exists to charge defendant DANIEL WELLS HERRIMAN with the violation of Title 18, United States Code, Section 844 (i), which provides that it is criminal offense to "maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce . . ." Thus, I have not set forth each and every fact known concerning this investigation.

BACKGROUND OF THE INVESTIGATION

2. On August 10, 2011, at approximately 9:30 a.m., an Improvised Explosive Device (IED) was discovered at the ENERFIN RESOURCES gas pipeline substation near the intersection of

Oklahoma State Highway 27 and County Road 1140, Okfuskee County, Oklahoma, located in Okemah, Oklahoma, which is located within the Eastern District of Oklahoma. The IED was initially discovered by Karl Krause and Nick Silas, ENERFIN RESOURCES employees. Karl Krause and Nick Silas contacted Okfuskee County Sheriff's Office (OCSO) Deputies. OCSO Deputy Rasmussen was the first law enforcement to respond to the scene. Deputy Rasmussen also concluded that the item appeared to be a bomb, and along with Oklahoma Highway Patrol (OHP) Trooper Joel Franks, began to close the roads near the aforementioned intersection.

3. Oklahoma Highway Patrol Bomb Squad (OHPBS) and FBI SABTs Kenneth Kaminski and Anthony Roda were dispatched to the ENERFIN RESOURCES substation to conduct Render Safe Procedures (SP), regarding the IED discovered at the ENERFIN RESOURCES substation. The IED was safely removed from the ENERFIN RESOURCES substation and rendered safe by the OHPBS.

4. My personal observations of the components recovered from the IED revealed the following: two white PVC pipes with sealed end caps and silver finishing nails hot-glued around the exterior of each white PVC pipe. The PVC pipes were found to contain a granular black substance suspected to be black powder. The IED also contained a green propane tank, a Double A (AA) battery, a 9 volt battery, wires, broken light bulbs, and a wind-up style alarm clock. Based upon the training and experience of myself and the other bomb technicians who observed the IED, the IED would be an explosive as defined in Title 18, United States Code, Section 844(j).

5. On August 10, 2011, DANIEL WELLS HERRIMAN, date of birth May 10, 1971, contacted the Seminole County Sheriff's Office 911 operator and stated that "he wanted to turn himself in and that I set the bomb under the pipeline in Okemah."

6. HERRIMAN subsequently confessed to manufacturing and placing the IED.

HERRIMAN advised that he manufactured the IED at his residence and that components used to construct the bomb were located in his residence.

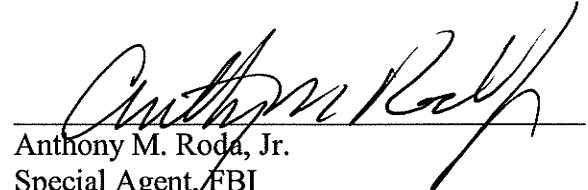
7. HERRIMAN further advised that he placed the IED under the pipeline on Sunday, August 7, 2011 and set the timer on the device for 2:00 a.m..

8. A search of HERRIMAN's residence resulted in the recovery of items consistent with the components of the IED described by HERRIMAN and with components found at the scene of the recovered IED.

9. Roy Jennings, Regional Operations Manager for ENERFIN RESOURCES advised that ENERFIN RESOURCES owns the natural gas pipeline substation where HERRIMAN placed the aforementioned IED and is incorporated in Texas.

I believe that there is probable cause to believe that DANIEL WELLS HERRIMAN violated Title 18, United States Code, Section 844 (i).

FURTHER THE AFFIANT SAYETH NOT


Anthony M. Roda, Jr.
Special Agent, FBI

Sworn to me before and subscribed in my presence on this date ^{12th} August, 2011.


Honorable Kimberly E. West
United States Magistrate Judge